

## **I.C.R. 33.1 Procedure Where Death Penalty is Authorized and Jury is Waived for Special Sentencing Proceeding**

Idaho Criminal Rule 33.1. Procedure Where Death Penalty is Authorized and Jury is Waived for Special Sentencing Proceeding.

(a) Findings of the trial court in capital offenses. In special sentencing proceedings in capital cases where a jury has been waived the trial court shall make written findings as required by section 19-2515(8)(b), Idaho Code. The trial court shall serve copies of these written findings upon the defendant or defendant's counsel and the prosecuting attorney.

(b) Form of findings. The written findings of the trial court to be made after the special sentencing proceeding shall be in substantially the following form:

[Click here](#) [1] for form.

(Adopted December 27, 1979, effective July 1, 1980; amended April 22, 2004, effective July 1, 2004)

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[1] [http://www.isc.idaho.gov/./rules/forms/ICR\\_33.1\\_Form.doc](http://www.isc.idaho.gov/./rules/forms/ICR_33.1_Form.doc)